

IN RE: PETITION FOR ZONING VARIANCE  
S/S Jack Pine Place, 100' W of  
Green Needle Drive  
(7 Jack Pine Place)  
14th Election District  
6th Councilmanic District  
Eugene J. Reigner, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 91-13-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a private yard space of 260 sq.ft. in lieu of the required minimum of 500 sq.ft. and to amend the Fourth Amended Final Development Plan of Evergreen at Putty Hill, Lot 71 for a proposed open deck in accordance with Petitioner's Exhibit 1.

The Petitioners, by Cynthia A. Reigner, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 7 Jack Pine Place, consists of 1,436.8 sq.ft. zoned D.R. 5.5 and is improved with a single family townhouse dwelling which has been the Petitioners' residence for approximately 2 years. Mrs. Reigner testified that Petitioners recently commenced construction of an open deck to the rear of the existing dwelling to provide more habitable, level space outdoors. Testimony indicated that Petitioner's husband is partially paralyzed and has difficulty maneuvering over uneven surfaces and grassy areas. However, the proposed deck will take up more private yard space than permitted by the zoning regulations. Testimony indicated Petitioners have spoken with their neighbors on both sides who have no objections to their plans, and have the approval of the Evergreen at Putty Hill Homeowners Association. Testimony and evidence presented indicated the relief requested will not

result in any detriment to the health, safety or general welfare of the surrounding community and denial of the variance will result in practical difficulty for the Petitioners.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of September, 1990 that the Petition for Zoning Variance to permit a private yard space of 260 sq.ft. in lieu of the required minimum of 500 sq.ft. and to amend the Fourth Amended Final Development Plan of Evergreen at Putty Hill, Lot 71 for a proposed open deck in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return,

and be responsible for returning, said property to its original condition.

- 2) The relief granted herein is limited to an open deck in accordance with that depicted in Petitioner's Exhibit 1.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

ORDER RECEIVED  
Date 9/14/90  
By J. Robert Haines

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(801) 887-3353

J. Robert Haines  
Zoning Commissioner

September 11, 1990



Dennis F. Rasmussen  
County Executive

Mr. & Mrs. Eugene J. Reigner  
7 Jack Pine Place  
Baltimore, Maryland 21236

RE: PETITION FOR ZONING VARIANCE  
S/S Jack Pine Place, 100' W of Green Needle Drive  
(7 Jack Pine Place)  
14th Election District - 6th Councilmanic District  
Eugene J. Reigner, et ux - Petitioners  
Case No. 91-13-A

Dear Mr. & Mrs. Reigner:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section V.B.7 (C.M.D.P.) (Pre-1988 Regulations)

To permit a private yard space of 260 sq. ft. in lieu of the minimum 500 sq. ft. and to amend the Fourth Amended Final Development Plan of Evergreen at Putty Hill, Lot 71 for same.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. 2 + 3 - Husband is partially paralyzed from the waist down and cannot manipulate on grass or uneven surfaces. Want to make the backyard accessible to him. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of the petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser: Cynthia Ann Reigner  
(Type or Print Name)

Signature: Eugene James Reigner

Address: 7 Jack Pine Place

City and State: Baltimore MD

Attorney for Petitioner: 7 Jack Pine Place

(Type or Print Name)

Signature: Eugene James Reigner

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

City and State: Baltimore MD

Attorney's Telephone No.: 21236

Address: 7 Jack Pine Place

City and State: Baltimore MD

Attorney's Telephone No.: 21236

Address: 7 Jack Pine Place

City and State: Baltimore MD

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Contract Purchaser: Cynthia Ann Reigner

(Type or Print Name)

Signature: Eugene James Reigner

Address: 7 Jack Pine Place

City and State: Baltimore MD

Attorney for Petitioner: 7 Jack Pine Place

(Type or Print Name)

Signature: Eugene James Reigner

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

City and State: Baltimore MD

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 14th Date of Posting: 9/14/90

Posted for: Variance

Petitioner: Eugene James Reigner, et ux

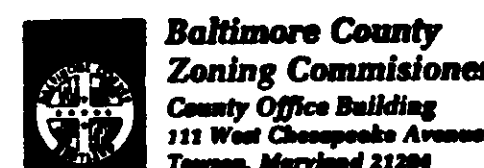
Location of property: 7 Jack Pine Place, 100' W of Green Needle Drive

Location of Sign: 7 Jack Pine Place, 100' W of Green Needle Drive

Remarks: On property of Petitioner

Posted by: [Signature] Date of return: 9/14/90

Number of Signs: 1



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Account: R-001-6150

Number

No 2658

Date

PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (IRL)	1 X	\$35.00
LAST NAME OF OWNER: REIGNER	TOTAL	\$35.00

B 163\*\*\*\*\*3500:6 8056F

Please make checks payable to Baltimore County

Cashier Validation

CERTIFICATE OF PUBLICATION

TOWSON, MD. 9/13/90

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 2 successive weeks, the first publication appearing on 9/8/90.

THE JEFFERSONIAN.

S. Zeke Orlean

Publisher

P.O. 106347  
\$80.46

# CERTIFICATE OF PUBLICATION

TOWSON, MD. 8/13 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in **NORTHEAST**, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 2 successive weeks, the first publication appearing on 8/8 1990.

**NORTHEAST**

S. Zebe Olson  
Publisher

P.O. 106247  
\$80.46

Baltimore County  
Zoning Commissioner  
County Office Building  
74 West Chesapeake Avenue  
Towson, Maryland 21204

PUBLIC HEARING FEES  
OBO - POSTING SIGNS / ADVERTISING 1 X \$105.46  
TOTAL: \$105.46  
LAST NAME OF OWNER: REIGNER

receipt  
No 3374

04A0490048MCHRC  
BA C009140MND9-11-90  
\$105.46

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

Mr. & Mrs. Eugene James Reigner  
7 Jack Pine Place  
Baltimore, Maryland 21236

Re: Petition for Zoning Variance  
CASE NUMBER: 91-13-A  
S/S Jack Pine Place, 100' W of Green Needle Drive  
7 Jack Pine Place  
14th Election District - 6th Councilmanic  
Petitioner(s): Eugene James Reigner, et ux  
HEARING: TUESDAY, SEPTEMBER 11, 1990 at 9:30 a.m.

Dear Petitioners:

Please be advised that \$105.46 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE UNDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

JRH:gs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

July 16, 1990

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance  
CASE NUMBER: 91-13-A  
S/S Jack Pine Place, 100' W of Green Needle Drive  
7 Jack Pine Place  
14th Election District - 6th Councilmanic  
Petitioner(s): Eugene James Reigner, et ux  
HEARING: TUESDAY, SEPTEMBER 11, 1990 at 9:30 a.m.

Variance to permit a private yard space of 260 sq. ft. in lieu of the minimum 500 sq. ft. and to amend the Fourth Amended Final Development Plan of Evergreen at Putty Hill, Lot #71 for same.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines  
Zoning Commissioner of  
Baltimore County

cc: Mr. & Mrs. Reigner

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

September 6, 1990

Mr. & Mrs. Eugene J. Reigner  
7 Jack Pine Place  
Baltimore, MD 21236

RE: Item No. 430, Case No. 91-13-A  
Petitioner: Eugene J. Reigner, et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Reigner:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

Dennis F. Rasmussen  
County Executive

Your petition has been received and accepted for filing this 27th day of June, 1990.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

James E. Dyer  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Eugene James Reigner, et ux

Petitioner's Attorney:

## BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
DATE: June 19, 1990  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: Cynthia Ann Reigner, Item No. 430

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
(301) 887-3554

June 27, 1990

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 221, 428, 429, 431, 432, 433, 434, 435, 436, 437, and 438.

Very truly yours,

Michael S. Flanigan  
Traffic Engineer Associate II

MSF/lvw

RECEIVED  
JUL 3 1990  
ZONING OFFICE

Baltimore County  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, Maryland 21204-5500  
(301) 887-4500  
Paul H. Reincke  
Chief

JUNE 27, 1990

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: EUGENE JAMES REIGNER  
Location: #7 JACK PINE PLACE  
Item No.: 430 Zoning Agenda: JUNE 26, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved [Signature]  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/KEK

JUL 5 1990

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE  
JUNE 22, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING  
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES  
SUBJECT: ZONING ITEM # 430  
PROPERTY OWNER: EUGENE JAMES REIGNER, et ux  
LOCATION: S/S JACK PINE PL., 100' W of GREEN NEEDLE DRIVE  
ELECTION DISTRICT: 14th (S 7 Jack Pine Place)  
COUNCILMANIC DISTRICT: 6th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- ( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- ( ) PARKING LOCATION ( ) RAMPS (degree slope)
- ( ) NUMBER PARKING SPACES ( ) CURB CUTS
- ( ) BUILDING ACCESS ( ) SIGNAGE
- ( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- ( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- ( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- (X) OTHER - SEE ATTACHED CODE MEMO #1

PERMITS MAY BE APPLIED FOR 8 ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

BALTIMORE COUNTY BUILDING CODE  
1984 BOCA, SECTION 110.6

CODE MEMORANDUM #1 Effective 4-22-85

SUBJECT:

A. Rear Porches

Rear open porches may be constructed of combustible materials up to 3 feet from a property line without any additional fire protection requirements.

Rear open porches may be constructed of combustible materials up to 4" from a property line if facing surfaces shown (see diagram) are protected by a layer of drywall, fire retardant treated plywood, or other approved firestopping material and any exposed supporting members within 3 feet are non-combustible, or pressure treated wood.

Firestopping material required here.

4" Minimum

POST: Use pressure treated wood.

Property Line.

OVER

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

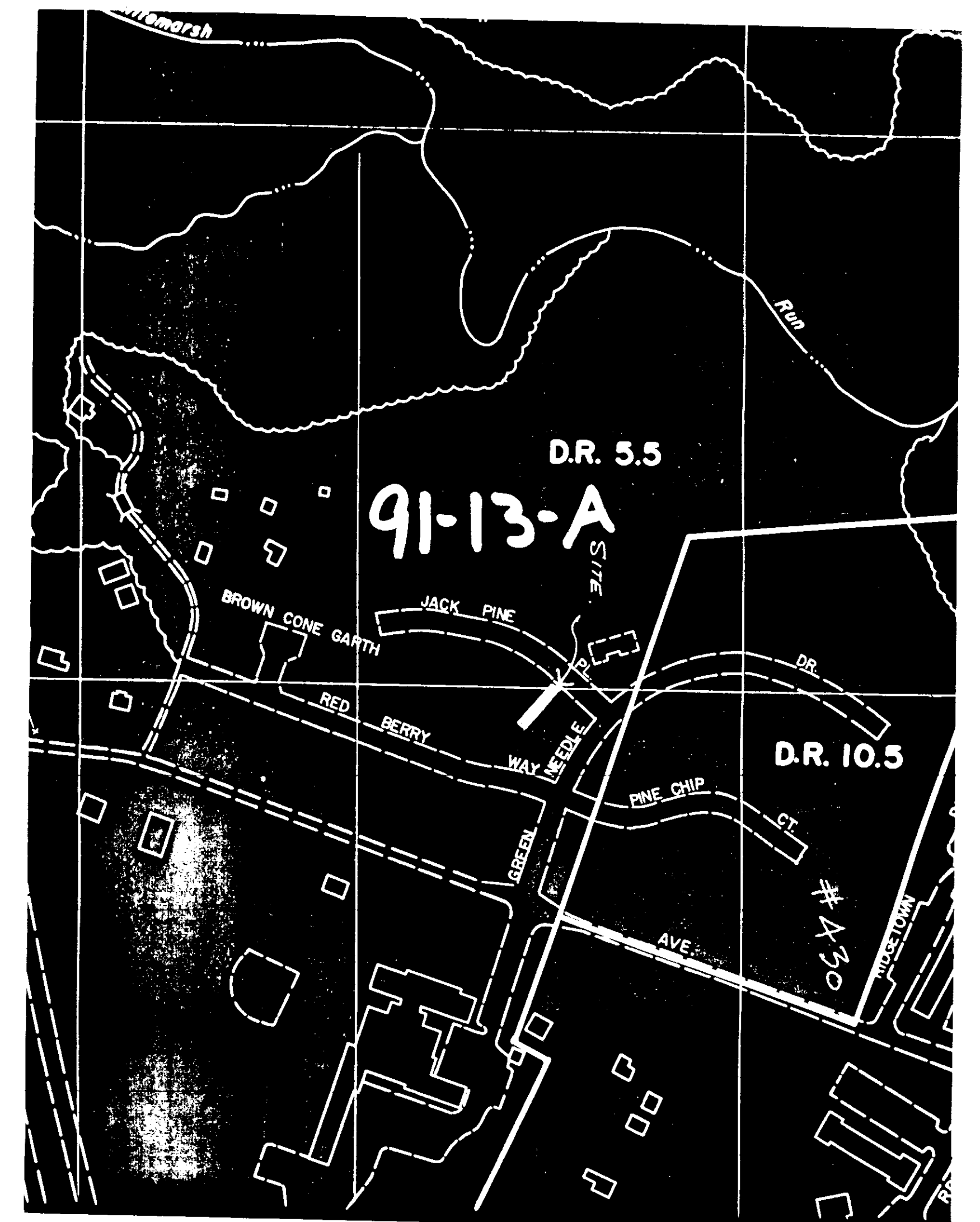
TO: Zoning Advisory Committee DATE: July 6, 1990  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting for June 26, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 221, 428, 429, 431, 432, 433, 434, 435, 436, 437, and 438.

For Item 427, the previous County Review Group comments still apply.

Robert W. Bowling, P.E.  
ROBERT W. BOWLING, P.E. - CIVIL  
Developers Engineering Division

RWB:s



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 7 Jack Pine Place  
Subdivision name: Evergreen At Rutty Hill  
plat book 53 (along 31 and 71 sections)

OWNER: Eugene + Cynthia Ann Reigner

100' TO Green Needle Drive CENTER LINE

EXISTING 14x13.5'

Scale of Drawing: 1"=20'

North

Prepared by: [Signature]

LOCATION INFORMATION

Councilmanic District: 6  
Election District: 14  
Zoning: DR 5.5  
Lot area: 1436.8 square feet  
0.032

Chesapeake Bay Critical Area: [ ]  
Prior Zoning Hearing: [ ]

Zoning Office USE ONLY!  
Reviewed by: [Signature]  
Date: 7/10/90

